

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

FORREST STEVENS AND KELLY STEVENS

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv175-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

ORDER

The Court has before it Plaintiffs' [127] motion *in limine* regarding outside financial assistance that Plaintiffs may have obtained as a result of his Hurricane Katrina loss. They seek to prevent Defendant from making reference at any stage of the trial proceedings to the receipt of such funds from, for example, FEMA, the American Red Cross, the Small Business Administration, the Mississippi Development Authority.

In *Eleuterius v. State Farm Fire and Casualty Co.*, No. 1:06cv647, the Court expressed concerns about exposing an insurance company to the risk of multiple payment for the same damages, and the need to fashion a judgment to take into account any other financial interests that may have a legitimate claim to insurance proceeds. However, the conclusion was also reached that, unless a plaintiff offers evidence that an insurer's conduct causes a financial hardship in the refusal to pay a claim, testimony or other evidence of financial assistance to a plaintiff will be excluded.

Accordingly, **IT IS ORDERED:**

Plaintiffs' [127] motion *in limine* is **GRANTED** consistent with the above comments . No evidence, comment, or reference will be allowed concerning the Plaintiffs' receipt of any form of outside financial assistance since Hurricane Katrina.

SO ORDERED this the 2nd day of July, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE